

California Victim Compensation and Government Claims Board Open Meeting Minutes

September 15, 2005

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, September 15, 2005, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; Tim Eldred, Manager, Government Claims Program; and Linda Mata, Acting Board Liaison, recorded the meeting.

The Board meeting commenced at 10:03 a.m. with the pledge of allegiance.

MINUTES

The Board voted to adopt the minutes of the August 18, 2005 Board meeting.

GOVERNMENT CLAIMS PROGRAM

Item 1 Government Claims Consent Agenda

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Item 108 Claimant: Inter-Con Security Systems, Inc. G554752

The amount allowed was revised from \$7,511.64 to the corrected amount of \$7,526.42 based on discrepancies with the invoices discovered by the Department of General Services.

Item 156 Claimant: Rebecca Skarr G534511

Susan Lorenz, Personnel Officer, appeared on behalf of the Department of Mental Health.

The Board approved the claimant's request to continue Claim G534511 to the October 20, 2005 meeting. The Department of Mental Health is to submit legal authority in support of its position to staff.

Item 158 Claimant: Mary Jo Wyckoff G534752

Susan Lorenz, Personnel Officer, appeared on behalf of the Department of Mental Health.

The Board approved the claimant's request to continue Claim G534752 to the October 20, 2005 meeting. The Department of Mental Health is to submit legal authority in support of its position to staff.

Item 162 Claimant: Gary Renslo G538979

Susan Lorenz, Personnel Officer, appeared on behalf of the Department of Mental Health.

The Board approved the claimant's request to continue Claim G538979 to the October 20, 2005 meeting. The Department of Mental Health is to submit legal authority in support of its position to staff.

Item 169 **Claimant: Pacific Bell Telephone Company** **G549573**

The Board approved the claimant's request to continue Claim G549573. Claim was referred back to staff.

Item 170 **Claimant: Pacific Bell Telephone Company** **G549611**

The Board approved the claimant's request to continue Claim G549611. Claim was referred back to staff.

Item 341 **Claimant: Daniel Moody** **G555669**

The Board approved the claimant's request to continue Claim G555669 to the October 20, 2005 meeting.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed	
			Paid via Gov. Code §965	Paid via Claims Bill
435	259	144	27	117

Item 2 **CLAIMANT: WestEd** **G554675**

Mr. Gerry Shelton, Division Director, Fiscal and Administrative Services Division, appeared on behalf of the Department of Education.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$1,062,471.08 to be paid pursuant to Government Code section 965.

Item 3 **CLAIMANT EMC CORPORATION** **G554556**

Trisha Rodriguez-Morita, Manager, Major IT Acquisitions, appeared on behalf of the California Health and Human Services Agency Data Center.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$375,987.00 to be paid pursuant to Government Code section 965.

Item 4 **CLAIMANT: DEVINDER S. SANDHU** **G549649**

The Board voted to re-examine the claim and that the claim be allowed in the amount of \$3,686.34 to be paid pursuant to Government Code section 965.

Item 5 **CLAIMANT: UNION PACIFIC RAILROAD G547677, G547684, G548022, G548224, G548253, G548254, G548255, G548256, G548257, G548259, G548260, G548261, G548262, G548263, G548264, G548265, G551430**

Dee Dee Andris, Assistant Cal Trans Administrator, Protests and Disputes, appeared on behalf of the Department of Transportation.

The Board voted to adopt the staff recommendation to allow the claims in the amount of \$4,660,997.51 to be paid pursuant to Government Code section 965.

G547677	113,855.00
G547684	55,114.98
G548022	1,363,127.90
G548224	36,739.07
G548253	491,975.47
G548254	32,503.03
G548255	30,643.83
G548256	23,651.56
G548257	568,626.13
G548259	28,854.47
G548260	195,555.21
G548261	34,944.63
G548262	85,852.46
G548263	95,492.66
G548264	11,231.08
G548265	135,847.51
G551430	1,356,982.52

Item 6 **PER DIEM RATES FOR MEMBERS OF THE STATE LEGISLATURE**

The Chief Counsel presented the "Per Diem Rates for Members of the State Legislature."

The Board voted to adopt the staff recommendation to raise the per diem rate for members of the State Legislature to \$153.00 effective October 1, 2005. Board member Windie Scott abstained from voting.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:33 a.m.

The Executive Officer reported on the following:

- Hurricane Katrina Disaster Relief Campaign
- Domestic Violence Awareness
- Application Review Team Expanded
- Federal Compensation Program for victims of International Terrorism
- Victim Compensation Advisory Committee Meeting
- Coordinating Council Award

Board Chair Fred Aguiar thanked the United Way for waiving its administrative fees through December 2005, so 100% of the donations will go to the Hurricane Katrina Disaster Relief Fund.

REPORTS TO THE BOARD

CONTRACTS REPORT

Ms. McGagin delivered the "Contracts Report" for August 2005.

LEGISLATION REPORT

Pamela Schneider, Deputy Executive Officer, Legislation, presented the Legislative Report dated August 31, 2005 and highlighted the following bills: Assembly Bill 346 was signed by the Governor and Senate Bill 353, and Senate Bill 972 have been enrolled and are waiting for the Governor's signature.

REPORT ON 2004 MEDICAL & DENTAL PAYMENT RATE INCREASE

The Board adopted the following staff recommendations:

1. Continue to pay medical expenses at the Medicare rate plus 20 percent for services covered by Medicare, 75 percent of the billed amount for services that are not covered by Medicare, and at the Medicare durable medical equipment (DME) rate for medical equipment.
 - Analyze medical payments annually to evaluate the affect of current payment rates on victims' access to care.
2. Continue to pay 75 percent of the amount billed for dental expenses.
 - Analyze dental payments annually to evaluate the affect of current payment rates on victims' access to care.
 - Establish a pilot project to create a method for preauthorizing payment of dental treatment.
3. Continue to pay cosmetic surgery, prosthetics, hearing aids, eyeglasses, and bills from foreign providers at 100%.

The Board directed staff to report back in one year.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 14, and to deny requests for reconsideration for agenda item numbers 15 through 16, item 17 continued at staff's request, deny requests for reconsideration for agenda items 18 through 28, and deny requests for reconsideration after Board action on a proposed decisions for agenda item numbers 29 through 31.

Item 15	<u>CLAIMANT</u>	<u>426783V</u>
Item 16	<u>CLAIMANT</u>	<u>753318V</u>
Item 17	<u>CLAIMANT</u>	<u>760174V</u>
Continued at staff's request.		
Item 18	<u>CLAIMANT</u>	<u>777019V</u>
Item 19	<u>CLAIMANT</u>	<u>794687V</u>
Item 20	<u>CLAIMANT</u>	<u>797972V</u>
Item 21	<u>CLAIMANT</u>	<u>853440V</u>

Item 22	CLAIMANT	857838V
Item 23	CLAIMANT	865064V
Item 24	CLAIMANT	866261V & 866204V
Item 25	CLAIMANT	866641V
Item 26	CLAIMANT	870882V
Item 27	CLAIMANT	827533V
Item 28	CLAIMANT	770683V
Item 29	CLAIMANT	536606V
Item 30	CLAIMANT	766769V, 766785V, 766788V
Item 31	CLAIMANT	798420V

CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 32 through 67.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into closed Executive Session with the Board's Executive Officer and Chief Counsel at 10:45 a.m. to deliberate on the proposed decisions for agenda item numbers 68 through 76 that were taken under submission during the meeting and to confer with and receive advice from Legal Counsel regarding pending litigation as authorized by Government Code section 11126(e).

The Board reconvened into open session at 10:50 a.m.

PROPOSED DECISIONS

Item 68	CLAIMANT	427929V
The Board voted to adopt the proposed decision.		
Item 69	CLAIMANT	501290V, 549342V, 549343V
The Board voted to adopt the proposed decision.		
Item 70	CLAIMANT	689741V
The Board voted to adopt the proposed decision.		
Item 71	CLAIMANT	715953V
The Board voted to continue the proposed decision.		
Item 72	CLAIMANT	729611V
The Board voted to defer the decision and requested that the hearing officer address specific issues and provide additional information.		
Item 73	CLAIMANT	743430V
The Board voted to adopt the proposed decision.		
Item 74	CLAIMANT	790668V
The Board voted to adopt the proposed decision.		
Item 75	CLAIMANT	805107V
The Board voted to adopt the proposed decision.		
Item 76	CLAIMANT	823750V
The Board voted to adopt the proposed decision.		

ADJOURNMENT

The meeting was adjourned at 10:51 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of September 15, 2005 at Sacramento, California.

Date: _____ By: _____
Linda Mata
Acting Board Liaison

(Affix seal here)